

# DRAFT SET OF CONDITIONS

## GENERAL CONDITIONS

### CONDITIONS THAT IDENTIFY APPROVED PLANS

<b>Application Number:</b>	DA2013/0412
<b>Land to be developed (Address):</b>	Lot 125, DP 1102154, No. 80 Evans Street, Freshwater; and Lot 2 DP 579837, No, 4A Lumsdaine Drive, Freshwater
<b>Proposed Development:</b>	Stage One Redevelopment of the Harbord Diggers Site for seniors housing, new club facility, child care, gymnasium, community centre and respite care.

### STAGE ONE CONDITIONS OF CONSENT

In accordance with Section 83B (3) (a) of the *Environmental Planning and Assessment Act 1979*

#### 1. Approved Plans and Supporting Documentation

Stage 1 development consent is granted only for the following:

The above and below ground building envelopes, but no building works in accordance with the following:

Architectural Plans – Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-02 Issue D	15/03/2013	Architectus
DA-03 Issue D	15/03/2013	Architectus
DA-04 Issue D	15/03/2013	Architectus
DA-05 Issue D	15/03/2013	Architectus
DA-06 Issue D	15/03/2013	Architectus
DA-07 Issue D	15/03/2013	Architectus

The Stage 2 Development Application is to be generally in accordance with the following:

Reports/Documentation		
Report/Document	Dated	Prepared By
Geotechnical Investigation	27 September 2012	JK Geotechnics
Acoustic Assessment	3 April 2013	Acoustic Logic
Stage 1 Environmental Site Assessment	October 2012	Environmental Investigation Services
Access Review	3 April 2013	Morris-Goding Accessibility Consulting
Flora and Fauna Assessment	26 September 2012	Ecological

The Stage 2 development is to be undertaken generally in accordance with the following:

Landscape Plans – Endorsed with Council’s Stamp		
Drawing Number	Dated	Prepared By
DA – 08 (Issue A)	3 September 2013	Architectus

**Reason:** To ensure the Stage 2 Development is carried out in accordance with the determination of JRPP and approved plans. (DACPLB01)

## 2. Limitations of this consent

This consent grants approval for the Stage 1 concept of the development only, in accordance with Section 83B (3) (b) of the *Environmental Planning and Assessment Act 1979*, and does not authorise or approve of any works.

A subsequent Stage 2 Development Application will require the submission of a detailed development application for final approval under the provisions of Section 78A of the *Environmental Planning and Assessment Act, 1979*.

**Reason:** To communicate the limitations of this consent.

## 3. New Development Application Required

This consent is for a concept approval of Stage 1 only. Separate development application(s) will be required for approval of the detailed designs required for Stage 2.

**Reason:** To ensure a detailed design DA is submitted and approved prior to construction.

## 4. Assessment and Determination of Future Applications

The assessment and determination of the Stage 2 development application must be generally consistent with the approved plans and conditions of approval contained in this development consent.

**Reason:** To ensure the future Stage 2 DA is consistent with the concept proposal.

## 5. Building Envelopes

The above and below ground building envelopes shown on approved drawings in Condition 1 are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings and structures and the public domain.

**Reason:** To ensure compliance with the approved concept plans and satisfactory amenity.

## 6. Architectural and Urban Design Report

The Stage 2 DA is to be accompanied by a detailed **Architectural and Urban Design Report** addressing SEPP (HSPD) 2004, SEPP No. 65 – Design Quality of Residential Flat Development and the provisions of the Residential Flat Design Code. The Stage 2 design is to demonstrate compliance or fully justify any non-compliance with SEPP (HSPD) 2004, SEPP 65 and the RFDC. The detailed design of the buildings is to be consistent with the Stage 1 concept design parameters to ensure that the intended development outcome is achieved.

**Reason:** To ensure the architectural and urban *design outcomes are consistent with the concept approval, SEPP (HSPD) 2004, SEPP 65 and the RFDC.*

## 7. Design Excellence

The applicant is to provide detailed architectural plans and visual aids in the form of an architectural scale model, photomontages, 3D modelling and a comprehensive sample board of external finishes to demonstrate the design excellence of the development.

**Reason:** To ensure design excellence is achieved at Stage 2.

## 8. Landscape Design

The Stage 2 DA is to be accompanied by a detailed **Landscape Plan**, prepared by a Landscape Architect or landscape designer for the internal communal open space areas and outer perimeters of the site. Details of the landscaped treatment is to address safety, crime prevention, casual surveillance, the provision of courtyards in association with residential units adjacent to the internal communal open space areas and recreational facilities for residents, including BBQ's, children's play areas, shelter and relaxation. The design is to also include:

- details of retaining walls, mounding and planter boxes,
- location, numbers and types of plant species,
- drainage and watering systems,
- deep soil planting zones,
- Planting procedure and maintenance.

Details of the proposed plant species with locations are to be provided in the Stage 2 DA.

**Reason:** To ensure satisfactory tree retention and landscape amenity.

## 9. Use of Renewable and Recyclable Materials

The Stage 2 DA is to be accompanied by details of how renewable and recyclable materials can be integrated into the design of the development.

**Reason:** To ensure ESD principles are provided for in the development.

## 10. Environmentally Sustainable Development (BASIX)

The detailed Stage 2 design for the development shall be accompanied by BASIX reports which demonstrate compliance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

**Reason:** To ensure ESD principles are provided for in the development.

#### **11. Shadow and Sunlight Access Report**

The Stage 2 DA is to be accompanied by a detailed **Shadow and Sunlight Access Report** addressing the requirements of SEPP (HSPD) 2004, Part 'D6 Access to Sunlight' in Warringah Development Control Plan 2011 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

**Reason:** To ensure satisfactory levels of compliance with relevant standards.

#### **12. Environmental Noise Impact Assessment**

The Stage 2 DA is to be accompanied by a detailed **Environmental Noise Impact Assessment** addressing the requirements of 'Part D3 Noise' in Warringah Development Control Plan 2011, and including noise sources (mechanical plant, loading dock and garbage removal operations, basement car parking, vehicle access/egress, residential apartments, retail spaces) and noise control measures in relation to glazing, mechanical equipment, sound transmission between neighbouring internal and external properties, construction noise and compliance with the BCA.

**Reason:** To ensure a satisfactory acoustic environment.

#### **13. Security Review/Crime Prevention Report**

The Stage 2 DA is to be accompanied by a detailed **Security Review/Crime Prevention Report** addressing Crime Prevention Through Environmental Design (CPTED) and is to demonstrate compliance with the four CPTED Principles outlined in 'Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979' prepared by the Department of Urban Affairs and Planning (now Department of Planning). The report is to address safety and security issues and make specific recommendations on lighting, entrances, lobbies and the like. The assessment is to address the requirements of the NSW Police.

**Reason:** To ensure a satisfactory level of for future residents, workers and visitors.

#### **14. Geotechnical Report**

The Stage 2 DA is to be accompanied by a detailed **Geotechnical Report** containing sufficient detail on the approved concept design of the basement to confirm feasibility of the design philosophy adopted and allowing impacts on the adjoining structures to be identified. This is to include predicted levels of movement of the basement walls so that "trigger" levels for intervention are identified. A Construction Monitoring Program is to be included in this report.

**Reason:** To ensure geotechnical issues are adequately addressed in the Stage 2 design.

#### **16. Lighting Design Statement**

The Stage 2 DA is to be accompanied by a detailed **Lighting Design Statement** which addresses the number, type, design, luminosity and location of major lighting fixtures, the issue of glare and reflection, including building colours and materials, internal and external lighting of the building, driveway, communal landscaped open space areas, the pedestrian link/walkways.

**Reason:** To minimise the impacts of lighting.

## **17. Pedestrian Access**

The Stage 2 DA is to provide for paved pedestrian access in Evans Street, Carrington Parade and Lumsdaine Drive in accordance with the following terms:-

1. The paved foot path proposal shall be extended to the existing footpath network system, shops and public transport facilities, surrounding the proposed development.
2. Footpath paving is to designed in accordance with Council Engineering specification-Auspec 1 and other Council's specification, policies, Warringah Public Spaces Design Guidelines and Physical Access Policy.
3. The proponent shall also demonstrate the footpath widths and links to existing footpath networks, complies with the access requirements of the proposed development.
4. The proposed paved path way shall be located within the public road and not within parks or community land.
5. Approval from the Department of Lands must be obtained for any works proposed within Crown Reserve.

**Reason:** To ensure a safe and functional pedestrian environment. (DACENBOC1)

## **18. Pedestrian Mobility Plan and Access Report**

The Stage 2 DA is to be accompanied by detailed Pedestrian Mobility Plan and Access Report providing details of access and facilities for people with a disability in accordance with the Building Code of Australia, AS 1428.2 and be addressing the Disability Discrimination Act 1992.

**Reason:** To ensure satisfactory provisions are made for disabled and less mobile persons.

## **19. Electricity Substation**

The design of any electrical substation(s) must be integrated into the design of the final development and not intrude within the public domain or detract from the streetscape presentation of the development. The location of any future substation must be included with the Stage 2 Development Application and is to comply with Ausgrid Requirements.

**Reason:** To ensure adequate arrangements are made for infrastructure.

## **20. Council's Existing Stormwater Infrastructure Augmentation.**

The Stage 2 development application shall provide for upgrading of Council's drainage system in Lumsdaine Drive for the development to discharge stormwater into Council's drainage system. This would require the upgrading of Council's outlet structures and shall be in accordance with Council's Aus-Spec Civil Works Specification and Development Engineering Minor Works Specification. The outlet structures shall be designed to ensure that the structures are built in a manner to protect the environment and to blend in with the existing landscape.

**Reason:** To ensure adequate arrangements are made for infrastructure (DACENBOC2)

## **21. Waste Management Plan**

The Stage 2 DA is to be accompanied by a detailed **Waste Management Plan**, which addresses the generation of waste from the residential and commercial uses, the location of garbage storage areas and the recycling and re-use of demolition materials in accordance with "Part C9 Waste Management" in Warringah Development Control Plan 2011.

**Reason:** To ensure the efficient and sustainable treatment of waste. (DACHPFPOC1)

## **22. Management of Site Stormwater**

The Stage 2 development application shall address the following:-

(a) Detail Soil and Sediment Control Plan for the proposed development during construction of site.

(b) The stormwater management plans shall also demonstrate the provision of Water Sensitive Urban Design (WSUD) measures to be incorporated for during construction and post development and shall comply with Council's Northern Beaches Stormwater Management plan.

**Reason:** To ensure adequate arrangements are made for infrastructure and to protect the environment. (DACENBOC2)

## 23. Traffic/Construction Management Plan

The Stage 2 is to be accompanied by a **Traffic and Construction Management Plan** in order to enable unencumbered movement of traffic in the public road during construction works.

A Construction Management Plan including construction staff car parking, storage of materials, machinery and plan and a staging plan of works (including time periods), Traffic Management Plan and scaled construction plan prepared by a suitable Chartered and qualified worksite traffic controller shall be prepared for the proposed development.

The Construction Management Plan is to also include a **Dust Management Strategy**.

**Reason:** To ensure adequate arrangements are made for infrastructure (DACENBOC2)

## 24. Policy Controls

Warringah Section 94A Development Contribution Plan

The Stage 2 Development Application will be subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 106,045,584		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$1,007,433
Section 94A Planning and Administration	0.05%	\$ 53,023
Total	1%	\$1,060,456

The amount will be adjusted at the time of lodgement of the Stage 2 Development Application (if necessary).

**At the time of a Stage 2 Development Application**, a quantity surveyors report must be submitted for the development application for Stage 2 to enable Section 94A contributions to be assessed for all components within this Stage.

**Reason:** To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

## 25. Staging Plan

The Stage 2 DA is to be accompanied by a detailed **Staging Plan**, including demolition, remediation (if required), excavation, construction, landscaping and public domain works.

**Reason:** To provide details as to the staging of the development.

## 26 Site Infrastructure and Services

The Stage 2 DA is to be accompanied by a detailed **Infrastructure and Services Reports** to demonstrate how the development can be adequately and properly serviced. The report is to include an outline of any necessary augmentation of existing services. All infrastructure planning and design is to be undertaken in consultation with the relevant authorities, including Ausgrid, AGL, Sydney Water and Telecommunications Providers.

**Reason:** To ensure adequate arrangements are made for infrastructure.

## 27. Food Premises

The stage 2 DA is to be accompanied by a detailed **Kitchen and Mechanical Ventilation Design** in accordance AS 1668 (Mechanical Ventilation) and AS 4674 (Design, Construction and Fit Out of Food Premises), the Food Standard Code and Food Act 1993.

**Reason:** To satisfy relevant statutory requirements. (DACHPCPCC2)

## 28. Hoarding Fencing Details (Construction Phase)

The Stage 2 Development Application is to be accompanied by a detailed plan of hoarding fencing to be used during the construction phase. The fencing is to be of a suitable finish and visual presentation to all street frontages and to the adjoining public open space.

**Reason:** To ensure no unreasonable impact on the streetscape.

### NOTE: Building Code of Australia

The Stage 2 DA is to be accompanied by a more detailed assessment to ensure the development is capable of meeting the performance requirements of the Building Code of Australia.

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